

Application No. 10/612,915
Amtdt. Dated 05 August, 2005
Reply to Office Action of 06 April, 2005

REMARKS / ARGUMENTS

Claims 1-14 and 21-26 remain pending in this application. Claims 1, 21 and 26 have been amended. Claims 11 and 24 have been noted as having been withdrawn from consideration by the Examiner, pending allowable generic or linking claim.

In the Office Action, the Examiner rejected the claims on the basis that the claims describe subject matter that is obvious in view of U.S. Patent No. 4,331,245 (Schell) either alone or in combination with U.S. Patent No. 4,905,845 (Broeker et al.) or U.S. Patent No. 5,985,328 (Evenson). The Examiner has also raised an indefiniteness objection to claims 1, 21 and 26.

In response, we have amended claims 1, 21 and 26 to more clearly distinguish the claimed invention from the cited prior art and to overcome the indefiniteness objection.

Considering first claim 1, we have amended clause (b) of claim 1 to define a plurality of wallpaper display samples affixed to the front surface of the at least one panel in a pre-selected pattern, wherein each of the display samples comprises a piece of wallpaper having a front surface with a selected appearance and texture, and wherein the pattern is selected so as to expose substantially all of the front surface of each of the display samples for display. We have also amended clause 1(d) to recite that each of the containers is secured to the panel in front of a portion of one of the display samples so that a significant portion of each of the display samples remains exposed for visual and tactile examination. Support for the amendments to clause 1(b) can be found in paragraph 36 of the application, and support for the amendments to paragraph 1(d) can be found in paragraph 37 of the application.

We submit that claim 1 as amended defines subject matter which is not obvious in view of the teachings of Schell, whether considered alone or in combination with Broeker et al or Evenson, for the following reasons.

Schell discloses a carpet sample display rack, rather than a wallpaper sample display rack. We submit that carpets and wallpaper are rarely sold in the same place, and generally speaking, companies that make carpets do not make wallpaper, and vice-versa. Moreover, as a general rule, display racks should not exceed a relatively small percentage of the cost of the goods displayed therein. Carpets are much more expensive than wallpaper, and carpet samples are also much heavier than wallpaper samples. Consequently, display racks for carpet samples must have a much heavier duty construction than display racks for wallpaper samples. Consequently, display racks for carpets tend to be much more expensive than display racks for wallpaper samples. Since carpet display racks are much more expensive than wallpaper display racks, a designer of wallpaper display racks would not look to carpet display racks for inspiration. Thus display racks for carpets fall in a different field of art, and should not be considered when determining whether a particular wallpaper display rack would be obvious to one skilled in the art of making wallpaper display racks. We therefore submit that Schell is not properly citable against the claims of the subject application.

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Furthermore, the construction of the Schell carpet sample display rack is quite different from that of the claimed wallpaper display rack. In the case of the Schell carpet sample display rack, the display samples are displayed in the form of books of display samples that are mounted on a vertically extending side wall, whereas the take home samples are displayed in a series of inclined trays that extend along the front wall of the display rack. In the case of the books of display samples, most of each of the display samples is covered up by the preceding sample, except for the sample on top. Thus, a prospective consumer would first have to flip through one or more books of samples to find a sample of interest, and then walk around the display rack to the front wall to obtain a take home sample correlated with the display sample selected by the consumer.

In contrast, the display samples of the subject wallpaper display rack are not affixed to the display rack in the form of books of carpet display samples in which most of a particular display sample is covered up by another display sample. Rather, in the case of the claimed wallpaper display system, the display samples comprise pieces of wallpaper having a front surface arranged in a pattern in which substantially all of each of the display samples is exposed for display. Furthermore, amended claim 1 defines a display system in which each of the containers is secured to the panel in front of a portion of one of the display samples so that a significant portion of each of the display samples remains exposed for visual and tactile examination. We submit that the take home sample containers of Schell are not secured to the panel in front of the display samples, but rather, they are separated from the display samples in that the take home samples are displayed on the front side of the display rack whereas the display samples are displayed on a separate, side portion of the rack.

We submit that the wallpaper display system claimed in claim 1 is superior to the Schell display rack, in that in the case of the claimed display rack, consumers can see all of the display samples at a glance, without having to flip through cumbersome display sample books. Moreover, when a consumer finds a display sample that he or she likes, the consumer does not have to walk around the stand to obtain the appropriate take home sample. Rather, the consumer can reach out and select the take home sample from a container that is in close proximity to the display sample. Thus the claimed wallpaper display rack is far more convenient to use than the Schell carpet sample display rack.

Accordingly, claim 1 defines subject matter that is not obvious in view of Schell when considered alone or in combination with the other cited references.

Turning now to claim 21, we have amended claim 21 to recite that the display samples are affixed for display to the front surface of the panel such that substantially all of each of the display samples is exposed for display. We have also amended the claim to recite that each of the take home samples is correlated with one of the display samples, and that the containers are secured to the frame in close proximity to one of the display samples, so as to visually associate the supply of take home samples therein with the display sample correlated therewith. Support for these amendments can be found in paragraphs 36, 37 and 40 of the disclosure. We submit that these amendments clearly distinguish the claimed display system from the Schell display rack, since the containers for the take home samples of the Schell

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display rack are not in close proximity to the display samples. Moreover, the Schell take home samples are not visually associated with the display samples correlated therewith, as required by amended claim 21. Accordingly, claim 21 defines subject matter that is not obvious in view of Schell, when considered alone or in combination with any of the other cited references.

Claim 26 has been amended to recite therein a display system in which the containing devices are located proximate to one of the display samples, so as to visually associate the supply of take home samples contained therein with the display sample correlated therewith. We submit that this structure is not disclosed in the Schell reference, since each of the take home samples is not proximate to the correlated display sample. Furthermore, claim 26 has been amended to recite containing devices that are mounted on the frame so as to present the take home samples in a generally vertically extending fashion. Support for these amendments can be found in paragraphs 36, 37, 38 and 40 of the disclosure. These amendments distinguish the subject matter claimed in claim 26 from the Schell rack, wherein the containers for the display samples extend at approximately a 45 degree angle to the vertical. For these reasons, amended claim 26 defines subject matter which is not anticipated by or obvious in view of Schell, when considered by itself or in combination with any of the other cited references.

In response to the Examiner's indefiniteness objection, we have amended the preamble of claims 1, 21 and 26 to recite "a wallpaper display system" rather than a "display system for displaying samples of wallpaper".

In response to the Examiner's objection to the Information Disclosure Statement, we advise that the paper filed on 2 February, 2005, was filed by a third party, rather than the applicant. In particular, we note that the subject paper is entitled "Citation of Prior Art" and that it was filed by Roger Gilcrest, who is not the attorney of record. Furthermore, we note that we filed a Supplementary Information Disclosure Statement dated 31 March, 2005, bringing the Examiner's attention to the prior art listed in the citation of prior art that was not already of record. We would appreciate if the Examiner could confirm receipt of the Supplementary Information Disclosure Statement.

In response to the Examiner's objection to Figure 1, we confirm that Figure 1 is not intended to depict the elements being assembled. We submit that the subject invention is a system, and that in the case of a system, it is not necessary that each of the elements are structurally connected to each other, as long as they are functionally connected to each other.

We submit that the above amendments and submissions overcome all of the Examiner's rejections and objections, and that this application is now in a condition for allowance.

Attached under separate cover is a Petition for an Extension of Time, accompanied by the requisite fee.

Please charge any additional fees payable or credit any overpayments to our deposit account No. 02-2095.

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Favorable action on this application is respectfully requested.

Respectfully submitted,

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